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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,514

04/25/2006

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2-0153-034

1911

803 7590 10/03/2008

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EXAMINER

MARANDI, JAMES R

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,514	Applicant(s) AL AMRI, MOOSA EISA	
	Examiner JAMES R. MARANDI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to applicant's amendment filed on 6/24/2008. Claims 1-13 remain pending.

In view of applicant's amendments and explanations:

- The new title is acceptable.
- Objection to disclosure due to minor informalities (grammar and typographical) are hereby withdrawn.
- The newly submitted figures 1 and 2 ("PRIOR ART" from Greg Murphy's USPN 6,564,380) are acceptable.
- Objection to figures 5 and 6 are withdrawn.

Response to Arguments

Applicant's arguments filed on 6/24/2008 have been fully considered but they are not persuasive.

Examiner acknowledges that the two cited references (Kusaba 6,510,556 and Murphy 6,564,380) were presented by the applicant and discussed in page 3 of the disclosure.

Examiner agrees with applicant's remark that ***US Patent 6,510,556 discloses a video distributing apparatus for distributing stored video to a viewer, which includes a schedule table***

for holding a distribution schedule of the stored video data. A controller controls the deferred distribution of the stored video data. The user fills a reservation request including a title of the video, a channel for distribution of the video data selected by the user, and a designated later time to start the distribution.

However, examiner disagrees that the designated time is a “later” time. Furthermore, examiner disagrees with the applicant’s outright conclusion that “***This system is unsuitable for live video***”.

First, of claims 1-13, only dependent claims 2 and 9 recite “live broadcasts”.

Independent claims 1 and 8 recite **video content to be displayed immediately or with a delay**. Applicant admits that Kusaba at least meets all limitations as to “with delay” (not live). Furthermore, claim 2 recites main **video server storing live broadcast**. Once stored, and subsequently served, this is no longer live!

Kusaba’s system is suitable for live broadcasts. Kusaba’s Figure 4c presents a menu which includes available channels, titles and times available to the user (421). The system presents screen as shown in Fig. 4c, and the user sees the available titles and reservation status and available slots (see Col.4, lines 23- 41). The user selects the available title and a start time (423) having seen the available times. There is nothing to suggest that the user is limited to select a time in the future. The user can select the present time (if available, and not already taken) and start enjoying the selected title. However, as cited in the previous office action, Kusaba does not present “live feed” or

"real-time" video. This deficiency is cured by Murphy. Murphy expands on Kusaba's disclosure of a video server containing stored video (Fig. 2, 101, and 102) to include "Live Video" (Fig. 5).

Examiner disagrees with applicant's assertion that Murphy only *discloses an Internet-based video feed management system which includes access to video, including video-on-demand files that are downloaded by a customer and delivered through the customer's website and delivery network.*

Murphy's disclosure includes "Live programming", as further confirmed by the pricing table (Fig. 6, Live and stored video), and on site video camera (Fig. 2; Col. 7, lines 62-66), is delivered to the user's terminal. The user control panel is a GUI based interface provided through the user's browser. (Col. 4, lines 33-36). The video itself is played through a variety of tools/ formats, such as MPEG (Col. 6, lines 52- 63). Therefore the live video is not downloaded but streamed, delivery of which is through well known video codec/ players while control panel GUI is offered through a browser.

Applicant states that *In the Office Action, the features of Applicant's claim 1 are equated mainly with various elements taken from Kusaba's Figures. However, the equation is incomplete particularly when considering Applicants authorization server*

Examiner agrees, as reflected in the office action, that Kusaba's disclosure of the scheduler (105) does not explicitly mention an **authorization server**, even though to sign-up (reserve) such service, a user is expected to be authorized.

However, this deficiency is cured by Murphy's "Master Authorization Server", Fig. 5 (Col. 12. lines 12+).

Applicant asserts that *Kusaba's system does not provide an indication of a channel that is available* (see Fig. 4c, available channels are shown in 421) *to broadcast a selected video content immediately or with a delay in correspondence with a user command that consisted of selection of the Title and a present or future broadcast time.*

Examiner disagrees.

Kusaba does provide an indication of a channel that is available (see Fig. 4c, available channels are shown in 421) to broadcast a selected video content (Title A) immediately **or with a delay** (there is no limitation on input start time 423) in correspondence with a user command that consist of selection of the Title and a present or future broadcast time. (Fig. 4c)

Kusaba presents the user with **an indication** of available channels and time slots for the user to choose (Fig. 4c; Col. 4, lines 23- 41). This is very much the same as applicant's *present invention where the system provides an indication of the channel available to*

broadcast the selected video content immediately or with a delay, and wherein the system initiates the broadcast of a selected video content on the channel indicated by the system for immediate or delayed broadcast in correspondence with the user command (selected video content and time).

In response to applicant's assertion that ***Kusaba's system is not adapted for the possibility of live broadcast (i.e. immediate broadcast as stated in Applicant's in claim 1) nor does its scheduler function in the same manner as Applicant's authorization server to provide an indication of an available channel on which the video content is broadcast according to the user's request.***

Examiner reiterates his position that 1st, the deficiency of "live Broadcast " is cured by Murphy. 2nd, Kusaba does offer the user the choice of available titles, channels and time-slots to choose as per fig. 4 (Col. 4, lines 7- 56). The authorization server deficiency is cured by Murphy's "Master Authorization server".

Applicant's assertion that that ***Murphy is also concerned with a video-on-demand system, but this is limited to Internet distribution: see for example Figure 6: "Video on Demand: Access to a single video on demand file to be downloaded by customer and delivered through customer website and delivery network"***, misses the point in the same figure, as to "Live streaming programs.

Applicant further states "*However, in Figure 10 and col. 17, lines 9-40, Murphy also allows for transmitting video content to a head-end of a cable broadband or digital TV system, for broadcast.*", and admits "*As such, Murphy's "video collection" system is useful in the implementation of the instant invention and, indeed, Murphy's Figures 1 and 5 have been incorporated into the disclosure of the invention.*"

It is useful and obvious, to recognize that a video server (101, as shown by Kusaba), connected to a video distribution plant (Fig. 5, as shown by Murphy) is capable of offering live video (as recognized and taught by Murphy).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: **(See MPEP Ch. 2141)**

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over T. Kusaba et al., US Patent No. 6,510,556 (hereinafter "Kusaba") in view of G. Murphy, US Patent No. 6,564,380 (hereinafter "Murphy").

Regarding claim 1, Kusaba discloses:

A system for enabling video content (Fig. 2, elements 101, 102; Fig. 4A and B) to be selected by a user via the Internet (12, 16, 11) and for distributing selected video content via a multichannel video broadcasting system (112, 13, 121), for the selected video content to be received on a multichannel receiver (122) and displayed at the user's location on a TV monitor (125) or on a PC provided with a TV display card (125), the system comprising:

a main video server (101) storing a plurality of selectable video contents (102);

a server (111) accessible via the Internet for a user to transmit user commands to select video contents that are to be displayed immediately or with a delay;

a multichannel video broadcasting apparatus (112, 13); and

a distribution server (11) for supplying, from the main video server (200) to the broadcasting apparatus, selected video contents to be broadcast on channels of the broadcasting apparatus (102, 101; 400);

the system being arranged to provide an indication of a channel that is available to broadcast a selected video content (422) immediately or with a delay in correspondence with a user command (423), said indication being available to the user via a server (111) and the Internet (16); and

the system being arranged to initiate the broadcast of a selected video content on the indicated available channel immediately or with a delay in correspondence with said user command. (Col. 3, lines 66-67; Col. 4, lines 1-65)

Kusaba's video storage (102) attached to the video server (101) includes **recorded videos and video-on-demand** but does not disclose **live broadcasts**. Furthermore, Kusaba's disclosure of the server (111) does not explicitly mention and **authorization server**, even though it is reasonable that only authorized users (paid subscribers) have access to the system.

However, Murphy substantially discloses **live broadcasts**, and **authorization server**. (Figure 5, Col. 12, lines 12+).

Therefore, it would have been obvious to one skilled in the art, at the time of invention, to modify the system of Kusaba with Murphy's invention to expand the users' choice of sources of content.

Claim 2 is rejected by the same analysis as provided in claim 1.

Regarding claim 3, **wherein the multichannel video broadcasting apparatus is a digital broadcasting apparatus having a broad bandwidth with several hundreds of channels** (Kusaba: Fig. 2, 112, 13, 121. Satellites are digital broadcasting apparatus with broad bandwidth).

Regarding claim 4, **wherein the multichannel video broadcasting apparatus comprises a cable TV network** (Kusaba: Fig. 7, 118, 17, and 126).

Regarding claim 5, **wherein the multichannel video broadcasting apparatus comprises a ground transmission station arranged to transmit to a communications satellite** (Kusaba: Fig. 2, 112).

Regarding claim 6, **wherein the distribution server (350) is arranged to provide automated selection of a channel available to broadcast immediately or with a delay in correspondence with a user command, or a partly automated selection assisted by a user command** (Kusaba: Figs. 4A, 4B, 4C). In Figure 4B the user can select a title to play immediately or go to menu option Figure 4C and select a channel with delay and make a reservation.

Claim 7 is rejected by the same analysis as claim 1.

Method claims of claims 8-13, representing and enabling the system claims of 1-7 are hereby rejected by the same analysis.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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